

SANDERS LAW, PLLC

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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION**

BWP MEDIA USA INC.,

Plaintiff,

vs.

BEST LITTLE SITES, LLC,

Defendant.

Docket No:

DEMAND FOR JURY TRIAL

COMPLAINT FOR:

COPYRIGHT INFRINGEMENT

BWP MEDIA USA INC., by and through its undersigned counsel, states and alleges as follows:

INTRODUCTION

1. Plaintiff BWP MEDIA USA INC. ("BWP") provides entertainment-related photojournalism goods and services. In particular, BWP owns the rights to a multitude of photographs featuring celebrities, which it licenses to online and print publications.

2. BWP's portfolio of celebrity photographs is the bread and butter of its business.

3. BWP has obtained U.S. copyright registrations covering many of its photographs, and others are the subject of pending copyright applications.

4. Defendant BEST LITTLE SITES, LLC ("BLS") owns and operates a website known as www.comicbookmovie.com.

5. Without permission or authorization from BWP, BLS copied, modified, and displayed BWP's photograph on BLS's website, www.comicbookmovie.com.

6. BLS engaged in this misconduct knowingly and in violation of the United States copyright laws.

7. BWP has been substantially harmed as a result of BLS's misconduct.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over the federal copyright infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331. The Court has supplemental jurisdiction over the claims arising under state law pursuant to 28 U.S.C. §1367(a) in that the state claims are so related to the claims over which the court has original jurisdiction that they form part of the same case or controversy.

8. This Court has personal jurisdiction over BLS because BLS maintains its principal place of business in Utah County and purposely directs substantial activities at the residents of Utah by means of the website described herein.

9. Venue is proper under 28 U.S.C. §1391(a)(2) because the Defendant does business in this Judicial District or because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

PARTIES

10. BWP is a California corporation and maintains its principal place of business in Los Angeles County, California.

11. On information and belief, BLS, a domestic limited liability company with a principal place of business in Utah County, Utah, is liable and responsible to Plaintiff based on the facts herein alleged.

FACTUAL ALLEGATIONS

BWP's Business

12. BWP provides entertainment-related photojournalism goods and services. In particular, BWP owns the rights to a multitude of photographs which it licenses to online and print publications.

13. BWP has invested significant time and money in building its photograph portfolio.

BWP's Copyrights

14. BWP has obtained U.S. copyright registrations covering many of its photographs, and others are the subject of pending copyright applications.

15. BWP's photographs are original, creative works in which BWP owns protectable copyright interests.

16. BWP owns several active and valid copyright registrations with the United States Copyright Office (the "USCO"), which registrations cover BWP's photographs.

17. BWP also has filed several copyright applications with the USCO, which are presently pending.

18. BWP applied for and received a copyright registration for a collection of photographs, USCO Copyright Registration No. VA 1-836-339 which included a photograph of actor Josh Hutcherson on the set of the sequel to the movie, The Hunger Games (the "Hutcherson Photograph").

BLS's Website

19. On information and belief, BLS is the registered owner of the website located at www.comicbookmovie.com (the "Website"). On information and belief, BLS operates the Website and is responsible for all Website content.

20. The Website provides articles, photographs and other content about television and movies.

21. The Website is monetized in that it contains paid advertisements. On information and belief, BLS profits from these activities.

BLS's Misconduct

22. Without permission or authorization from BWP, BLS copied, modified, and/or displayed BWP's photograph on the Website, in violation of BWP's copyright.

23. On information and belief, the Hutcherson Photograph was copied from the website(s) of BWP's Clients and reposted on the Website without license or permission, thereby infringing on the Copyright (the "Infringement").

24. On information and belief, BLS was aware of facts or circumstances from which the Infringement was apparent. Based on this totality of circumstances, BLS cannot claim that it

is not aware of the widespread infringing activities, including the Infringement, on the Website. Such a claim would amount to willful blindness to the Infringement on the part of BLS.

25. On information and belief, BLS engaged in the Infringement knowingly and in violation of United States copyright laws.

26. On information and belief, BLS has received a financial benefit directly attributable to the Infringement. Specifically, by way of the Infringement, BLS increased traffic to its Website and, in turn, realized an increase in its advertising revenues and/or merchandise sales.

27. As a result of BLS's misconduct, BWP has been substantially harmed.

FIRST COUNT

(Copyright Infringement, 17 U.S.C. § 501 *et seq.*)

28. BWP repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

29. The Hutcherson Photograph is an original, creative work in which BWP owns protectable copyright interests.

30. BWP has not licensed BLS or any of its users to use the Hutcherson Photograph in any manner, nor has BWP assigned any of its exclusive rights in the Copyright to BLS.

31. Without permission or authorization from BWP and in willful violation of BWP's rights under 17 U.S.C. §106, BLS reproduced the Hutcherson Photograph.

32. On information and belief, without permission or authorization from BWP and in willful violation of BWP's rights under 17 U.S.C. § 106, BLS displayed the Hutcherson Photograph on the Website.

33. BLS's reproduction of the Hutcherson Photograph and display of the Hutcherson Photograph on the Website constitutes copyright infringement.

34. On information and belief, thousands of people have viewed the unlawful copy of the Hutcherson Photograph on the Website.

35. On information and belief, BLS had knowledge of the copyright infringement alleged herein and had the ability to stop the reproduction and display of BWP's copyrighted material.

36. BLS's copyright infringement has damaged BWP in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, BWP respectfully requests judgment as follows:

1. That the Court enter a judgment finding that BLS has infringed on BWP's Copyright in the Hutcherson Photograph in violation of 17 U.S.C. § 501 et seq.;
2. That the Court award damages and monetary relief as follows:
 - a. Statutory damages against BLS pursuant to 17 U.S.C. § 504(c) of \$150,000 per infringement or in the alternative BWP's actual damages and BLS's wrongful profits in an amount to be proven at trial;
 - b. BWP's attorneys' fees pursuant to 17 U.S.C. § 505;
 - c. BWP's costs; and
3. Such other relief that the Court determines is just and proper.

DATED: May 15, 2013

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REQUEST FOR JURY TRIAL

Plaintiff hereby demands a trial of this action by jury.

DATED: May 15, 2013

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